

United States Bankruptcy Court
Eastern District of New York

-----X
In Re:

ROBERT GUARINO,

Case No. 09-44291-353
Chapter 7

Debtor.

-----X

ORDER TERMINATING AUTOMATIC STAY

Upon the Application dated July 10, 2009 (the "Application"), of Mortgage Electronic Registration Systems, Inc., as Nominee for BAC Home Loans Servicing, LP, f/k/a Countrywide Home Loans Servicing, LP ("Applicant"), a secured creditor of the above-named debtor, by its attorneys, Berkman, Henoch, Peterson & Peddy, P.C., seeking an Order: (I) pursuant to 11 U.S.C. Section 362(d), providing that the automatic stay imposed by operation of 11 U.S.C. Section 362(a), be modified and terminated to permit the Applicant to pursue its rights as more particularly described in the Application, to the premises known as 64-65 59th Avenue, Maspeth, New York 11376 (the "Premises"); and (ii) granting such other and further relief as is just and proper; and

The Application having come on before this Court to be heard on August 13, 2009; and Applicant appearing by their attorneys, Berkman, Henoch, Peterson & Peddy, P.C., and no opposition to the relief requested having been heard; and in consideration of the foregoing, and upon the affidavit of service filed with the Court; and after due deliberation, the relief

requested appearing reasonable, proper and warranted in fact and by law, it is hereby

ORDERED, that the automatic stay be, and it hereby is terminated pursuant to 11 U.S.C. Section 362(d)(1), to the extent necessary to permit the Applicant, its successors, agents or assigns to pursue their rights under applicable law with respect to the Premises including, without limitation, the consummation of foreclosure proceedings with respect to the Premises, and it is further

ORDERED, that the Trustee be served with a copy of the Referees Report of Sale within thirty (30) days of the sale; and, it is further

ORDERED, that the Trustee shall receive notice **and retain** ~~the estate's interest in of the balance of~~ surplus funds, if any, **arising** as a result of the foreclosure sale.

Dated: Brooklyn, New York
September 22, 2009

s/Jerome Feller
HON. JEROME FELLER
UNITED STATES BANKRUPTCY JUDGE
EASTERN DISTRICT OF NEW YORK